

**The Study of Jacques Derrida: Force of Law, “The Mystical Foundations of Authority”****Jane Edward\***

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**Abstract:** Jacques Derrida is among influential Post Structuralist philosophers. Post structuralism is the major subdivision of contemporary western philosophy. This doctrine fundamentally seeks to attain justice (balance) of language and culture as far as acquisition and development in use is concerned. This phenomenon started to be felt in 1970s. Philosophers under this doctrine from time to time raised questions on problems of language and culture, which in turn do not have clear answers. This has given individuals ability to conceptualize the language and culture in a subjective facet. Derrida in his essay “*Force of Law, The Mystical Foundation of Authority*” addresses the problem of “*Deconstruction*” as fundamental question regarding the justice and law. Deconstruction is a sub category of Post Structuralism philosophical movement pioneered by Derrida, which attain to critic outlook over the relationship between text and meaning. This paper utilizes documentation as the major source of information. We expound philosophies and there relevance in bestowing knowledge on our societies especially on deconstruction phenomenon. In this work, we discuss the possibility and or limitations of justice and law in the process of reading, interpreting and judging of work/text. The paper concludes that, Philosophy especially Post Structuralism paved a way to humanistic approach, which open our minds to attain new judgments and level of understanding.

**Keywords:** Deconstruction, Law, Justice, Post- Structuralism, Philosophy, Language and Culture.

**INTRODUCTION**

Deconstruction has been in a dilemma for long time. In this juncture, Derrida attempts to raise many questions, some of them being: does Deconstruction ensure, permit, and authorize the possibility of justice? Does it make justice possible or a discourse of consequences on justice and on the conditions of its possibility? These questions and perhaps many more will have different kind of answers. Some people will say “yes” and others will say “no”. With this kind of reply, one can detect huge problem which need to be addressed between “law and justice” as far as Deconstruction is concerned. With time, the problem is going to be settled although it need precise people who will deal with it in a sensitive manner as Jane [1] puts it, success comes through hardworking and commitment towards determination as well as hope being the foremost thing to adhere.

Deconstruction suffers the problem which is result of failure of having one clear meaning. The failure could be due to the absence of rules, norms and definitive criteria to distinguish law and justice. In this sense, Deconstruction suggests us to judge what permits judgment and what judgment itself authorizes. Foucault [2] in his essay “*The Order of Discourse*” affirm that, “in every society the production of discourse is at once

controlled, selected, organized and redistributed by a certain number of procedures whose role is towards off its powers and dangers, to gain mastery over its chance events, to evade its ponderous, formidable materiality”, (pg. 210). In this trend, Foucault is stressing on the role of rules and procedures in creating overwhelming sphere of justice in all matters pertaining discourse. To him, discourse is set of rules or accorded rights pertaining certain text or any work, in the light of attaining its justice. Deconstruction permits us to question the authorization of a text as well as what authorizes our ability of judging that text the way we judged it. This is what Derrida called, from law to justice. Under normal circumstances, speaking of justice attainment is not an easy task because it is circumvented by a lot of idiomatic paradoxes. Foremost, we have to ask ourselves, is justice and law equal? The answer is no. Law is always an authorized body which tends to justify itself even when the justification can be judged elsewhere as to be unjust or unjustifiable [3]. Therefore, it is with force only that law can function (can be justified/just). Kant [4] is recalled saying “*applicability or enforceability of law is not exterior or secondary possibility that may or may not be added as supplement to law...*”

## DISCUSSIONS

We notice that the enforcement of law in a text is crucial aspect as far as deconstruction is concerned as it gives the text justice. Making our understanding easier, let us take an example of a literary text "*Dutchman*" of Amiri Baraka/ Le Roi Jones. It is with enforcement of law only, that the story of Le Roi is accepted as a real story, which is telling life of black Americans in America in the light of identity seeking. Without enforcement of certain laws in it, it could be just a fiction, nobody would bother looking at it, giving credit and essence as it is given with present generation even after the lapse of decades after its publication. Derrida cited in Douzinas [5], he is recalled saying "there is nothing outside of the text," This philosophical statement means that language, communication and social interaction cannot avoid the assumed uncertainties and ambiguities of the written text. This gives us the light that, laws has to be enforced towards text in order to open up to multi- judgment (meaning). One important aspect that we need to adhere as far as a Deconstruction/poststructuralists are concerned is; meaning has to be text centered, the only freedom of commentator is to give judgment from his/her angle pertaining a text. That is, all interpretations at the end has to reflect what is inside a text and not otherwise.

"*Dutchman*" is an expressionistic play which addresses struggling of Americans towards building their true identity by recalling its main characters Lula and Clay whom they symbolize all Americans perhaps all human beings. Someone will ask, how then is law enforced in this Play? It is enforced by appropriation of the text, in the sense that; firstly, the text has all spheres of legal authenticity; in our case it includes publishers name and barcode. Secondly, it has the title and year of publication which is "*Dutchman, 1967*"[2]. Thirdly, narratives/relation of events which are connected, for the case of *Dutchman* we have two scenes well connected with full explanation about struggles of black Americans towards gaining visibility in the face of whites in America. Fourthly, it should have identified author, in our case the author is Le Roi Jones/Amir Baraka. Therefore, the law was applied in giving this play authorization, in other word, the law sets boundaries for the text to be of value to anyone who is reading and giving meaning accordingly. This is what Derrida summate as justice as far as Deconstruction is concerned. Having said so, this open up our understanding of Derrida's concept of movement from law to justice as far as Deconstruction of a text is concerned. According to Derrida, Deconstruction (breaking a text into its small parts for easier understanding) is justice.

However, Derrida moved further scrutinizing the notion of "*violence*" of justice in a manner that is contradictory. He does not mean violation of what we explained earlier rather the legitimate power or authority or public force. This means that we need to

understand the whole concept of law to justice in terms of difference in the relation between forms and force applied, between force and signification of "performative" force, illocutionary or frightening force, persuasive or rhetoric and above all the ambiguities in the weakness of strange exchange pertaining judging /understanding the meaning of the text (Deconstruction).

Therefore, from the trend above, it is clear that Derrida in his work "*Force of Law*" attempts to maneuver the breaking down of work of art (Literature) to its simplest parts which helps us in enhancing easiest way of understanding fundamental subject discussed and giving judgment in its subjective realm through violation of justice. In other way, we can say that, Derrida in the idea of Deconstruction play a greater role in opening peoples understanding of languages as well as adherence of others culture which has to be taken into account when judging the work. This is because, through the Force of Law, each ethical issues will be adhered during the process of authorizing a text. It is with his efforts perhaps fictions gain appropriation in the community. All the use of languages and culture manifestations in literatures result in knowledge and development of our mind. This could not be possible without the notion of from law to justice. It is through the law that we are opened to justice (Deconstruction process).

On the other side of law to justice, we have force of law/behind the law. This is referred to Montaigne as "*Mystical Foundation of Authority*". Justice has to enforce law, if justice is there without force then it is powerless. Justice is not achieved until it is enforced in the realm of law. Let us go back to the former example of Le Roi Jones/Amir Baraka "*Dutchman*". It would be very hard for majority to be convinced that the story has important meaning and can be taken as reference in people's everyday life if there were no law that back up the authenticity of the story. The enforcement of the law towards its achievement in the sustainability of the work "*Dutchman*" is what Derrida calls enforcement of the law/ behind the law. So to say, according to Derrida, "behind the law there is enforcement of it". Someone will ask, why would people obey the law that is enforced? Laws are not justice then we should obey them because they are authority. They are designed to somehow keep equilibrium in everyday life. If there were no laws then there could be a lot of chaos in the universe as everyone could desire his/her wishes to be fulfilled in our case, text authorization.

This could lead to some people's regarding themselves as to be above the law. Let us go back to our text of illustration "*Dutchman*" of Le Roi Jones/ Amiri Baraka which is authorized. Pertaining this text and many other texts which are authorized, Let us think, what would happen if these texts were not authorized?

And what would happen to many other literary authors who writes to reflect their societies as Amiri Baraka does but in one way or another, their works were rejected/not appropriated. Simple explanation according to the concept “behind the law will be;

Those texts which gets appropriation are there protected by law and they play greater role to awakening our minds on what is going on in the world through the subjects explained within. On the other hand, those texts which were rejected, possibly were proved not good to be circulated in the market because probably they unravel influential subjects which would end up in arousing chaos or they had fault in language(syntactically, semantically, morphological or phonological), perhaps many other limitations.

From the above trend, it is to be kept in our mind that enforcement of law as far as Derrida is concerned and so Deconstruction, it is to ensure the equilibrium of literatures in the world of imperfect people. There should be the strict rule to be followed not only in Derrida’s thought of Literature but in all disciplines. Justice without force is gainsaid, because there are always offenders, force without justice is condemned [3]. It is a wise way to combine justice and force because these two doctrines mould each other’s and at the end they make something strong, a complete entity. It is like recalling the concept of Aristotle (324-322 BC) “Katharsis”. Katharsis is the state achieved through arousal of “*pity and fear*” during dramatic performance which is there by enforced/stimulated by actions on the stage and at the end resulting in purgation of emotion which lead to ecstatic (pleasure proper to tragedy). This is to say, combining pity and fear result into strong feeling acknowledged as Katharsis, deliberately as a result of stimulation of emotions. One thing enforce the other (actions on stage enforce pity and fear which results in pleasure proper to tragedy) as it is in justice and force.

In the point of “*Mystical Foundation of Authority*” is where Montaigne asserts that, discourse meets its limit in its performative power. It is limit because power, authority, law is in nature violent since its foundation/grounds. Law in its history and transformation is deconstructible. Being deconstructible is not violent, probably is a way of enhancing progress in matters pertaining law. Deconstructible is to be open to change, therefore law/force is open to the subject of change. This gave ability for work to change time to time. It is as well, the possibility of the deconstruction in the structure of the law. Derrida asserts that; law is not justice but calculation; therefore individual addressing in the language of the other is the possibility of justice. How is it possibility of justice? It is simply because someone speaking another language, he/she need to appropriate it and assimilate it according to the law which govern that language. For example; an Englishman cannot speak French language forcing to fit

English words in French words that will be breaking of law hence justice. If he/the speaker wants to speak French then he should make sure he is into realm of French rules of language, unless his fitness maneuver the appropriation by law and the word accepted as a formal word in French language probably used in both languages.

Having discussing the trend above, on justice and enforcement of law in a literature, we saw the good attempt of Derrida in asserting the usefulness of law and justice in enhancing the authorization of Literature. Our worry is on the justification of the enforcement of these laws which are enacted there by prevailing justice of the text. Derrida did not say exactly who is supposed to declare the justice or injustice of a literary text, is it the editor, the reader or author or someone else? Why would someone choose justice over injustice? I think this might limit freedom of individual towards accessibility of some literary materials. This is because; if the work is declared unjust probably society will not access the work. This might lead to prejudices on the one who supposed to enforce the law. I mean that, he/she will declare justice to those works which seem good or favors his interests. As well, he may declare injustice to those works which does not favor personal interest. For example a Swahili literary work of Euphrase Kezilahabi “*Kaptula la Marx, 1978*”[6]. This work was written to criticize all evils done by government leaders in Tanzania. Surprisingly the work was denied authorization; as a result people could not read /access it. Those few, who managed to access it illegally, spread it in turn lead the author to be jailed. In this juncture, there is bit confusion on law and its enforcement. Who is supposed to enact these laws? What kind of works which are supposed to be authorized and what are those which are not supposed to? What about general text which are not directed/addressed to anyone specifically? Law, in other words, never catch up with its projected justification. Cornell (anonymous) asserts that, there can be no insurance of a metalanguage in relation to the “performativity of institutional language or its dominant interpretation.” In this stage, Derrida acts are regarded as a kind of enigma, shadow, or ghost who haunts legal theory. Derrida's writings on law is that "we should be open to enigmas (those difficult things to understand)" and to "the enigmatic quality of legal texts" and we are told that an enigma is a "shadow, a figure of an absent and invisible, or more simply, distant cause. So to say in giving a text judgment we should be open to this enigmatic circumstance. Therefore, a text is free to have more than one meaning/interpretation. On the other hand, we should be careful to this ghostly notion which haunt the laws that enacted in giving justice to texts, we should be flexible to the change as far as laws direct us to be. Although, there is a bit contradictory on these laws which seem to be invisible or far from proper understanding.

## CONCLUSION

From the discussion above, we can conclude by asserting that, Philosophy especially Post Structuralism paved a way to humanistic approach which open our minds to attain new judgments and level of understanding. “*Force of Law*” is crucial idea in the building of just interpretation/understanding of a text/language. Although it is very complex study but it at least open our thinking on how we can view a work from its deep foundation as commendable or not. It further increase our knowledge on what/how we are supposed to react to literatures focusing on the ghostly or enigmatic view of justice attainment.

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